

HAMPTON PLANNING BOARD – MINUTES

April 2, 2003

PRESENT: Thomas Gillick, Chairman
Robert Viviano, Vice Chairman
Tracy Emerick, Clerk
Jack Lessard
Tom Higgins
Keith Lessard
Skip Sullivan, Selectman Member
Jennifer Kimball, Town Planner

Mr. Gillick called the meeting to order at 7:00 p.m. by introducing the Board members.

Mr. Gillick then asked Mr. K. Lessard to lead the Pledge of Allegiance.

Mr. J. Lessard **MOTIONED** to *reorder* the agenda (as written) in an effort to expedite the less complex applications. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

III. ATTENDING TO BE HEARD:

1. Kate VanDaam
Use Change Application to convert from professional/retail to dog grooming shop at
892 Lafayette Road
Map 56, Lot 3
Owner of Record: Ken Wallace

Ms. VanDaam introduced herself and introduced Mr. Matthew Eaton requesting approval of her the Use Change Application to convert from professional/retail to dog grooming shop at 892 Lafayette Road, Map 56, Lot 3. Mrs. Kimball interjected that this is the site that some of the Board members have previously reviewed for a site plan when a previous owner regraded the site and added parking. The building was never opened for the use as previously approved by the Board. Additionally, the purpose of this Use Change is to reclassify the site, it is an allowed use with our proposed zoning changes of this year. Mr. K. Lessard **MOTIONED** to accept the Use Change Application to convert from professional/retail to dog grooming shop at 892 Lafayette Road, Map 56, Lot 3. Mr. Viviano **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Peter Stamateas
Use Change Application to remove 3 existing motel units (from 7 units to 4 units)
and expand existing kitchen and create seating area (restaurant) at 12 Ashworth Avenue
Map 282, Lot 103
Owner of Record: Raffaele LaRocca

Mr. Stamateas introduced himself requesting approval of his Use Change Application to remove 3 existing motel units (from 7 units to 4 units), expand existing kitchen, and create seating area (restaurant). Mrs. Kimball verified it is a permitted use, and clarified he is not adding additional units so parking would not be an issue (the restaurant does not require parking). Mr. Stamateas would be purchasing the building depending on approval of this Use Change.

Mr. J. Lessard **MOTIONED** to approve the Use Change Application to remove 3 existing motel units (from 7 units to 4 units) and expand existing kitchen and create seating area (restaurant) at 12 Ashworth Avenue, Map 282, Lot 103. Mr. Sullivan **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

1. 389 High Street Realty Trust (Jerome Sakurai)
Special Permit to remove a duplex and construct one 8-unit building within the Wetland Conservation District at 389 High Street
Map 180, Lot 3A
Owner of Record: Same as Above
2. 389 High Street Realty Trust (Jerome Sakurai)
Site Plan application to construct one 8-unit building and associated Conditional Use Permit for development within the Aquifer Protection District at 389 High Street
Map 180, Lot 3A
Owner of Record: Same as Above

Mr. Gillick proceeded to read a letter from Mr. Peter J. Saari dated April 2, 2003 regarding these applications and their request to withdraw, at this time, until further ownership rights have been resolved.

6. K.D. LeBlanc, Richard J. Hoesly & Richard Rayment
Lot Line Adjustment at 29 & 27 Emerald Avenue and 37 Acadia Avenue
Map 222, Lots 22, 23 & 13
Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan)
Owners of Record: Same as Above

Mr. Gillick proceeded to read a letter from Mr. Kenneth D. LeBlanc dated April 2, 2003 regarding this application be postponed until June 4, 2003 pending outstanding issues with the Zoning Board. Mr. K. Lessard suggested a renotification be filed. Mrs. Kimball clarified there would be no changes to the application and presentation – hence proving postponement was the only necessity here. Mr. Viviano **MOTIONED** to postpone the Lot Line Adjustment at 29 & 27 Emerald Avenue and 37 Acadia Avenue Map 222, Lots 22, 23 & 13, Waiver Requested: Subdivision Regulations Section V.E (Detailed Plan) public hearing until June 4, 2003. Mr. J. Lessard **SECONDED**. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

1. Golden Corridor & Hampton Harbor Condominiums, LLC
Lot Line Adjustments at
3 Ocean Blvd.; 31 Harbor Road; and Duston Avenue/Harbor Road
Map 298, Lot 6; Map 295, Lot 62; Map 295, Lots 59 & 63;
Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Helen C. Gilmore & Catherine F. Silver; James E. Gallagher;
Golden Corridor LLC; Hampton Harbor Condominiums LLC

2. Golden Corridor & Hampton Harbor Condominiums, LLC
Site Plan Review for 21-unit Townhouse Condominium Development at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC
3. Golden Corridor & Hampton Harbor Condominiums, LLC
Special Permit Application for work within the Wetland Conservation District
associated with the multifamily Site Plan application at
Duston Avenue/Harbor Road
Map 295, Lots 59 & 63; Map 295, Lot 64, & Map 298, Lot 3
Owners of Record: Golden Corridor LLC; Hampton Harbor Condominiums LLC

Mr. Peter J. Saari and Mr. Joseph Coronati introduced themselves as representing the applicant. Mr. Gillick addressed the issue of overdue independent review payments. Mrs. Kimball stated a suggested policy in the past is to establish an escrow account to avoid any future problems. Mr. Viviano agreed that one account to be set up and the Board (Chairman) to make sure all debts are paid out in a more timely fashion. Mr. Gillick agreed to these suggestions, as long as the outstanding debts are complied with, then review of these applications can continue from that point. Mr. K. Lessard **MOTIONED** the applicant shall make payment of \$9,000.00 to the Town of Hampton by April 15, 2003 (for establishment of escrow account to pay outstanding debts and future payments). Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Gillick suggested the Board hear the current changes on this Golden Corridor, LLC project. Mr. Coronati proceeded: Previously department heads have commented to add many notes on the plans; this has been implemented as follows:

- a. Added a business/seasonal & general zone line through the property, it is about 300' from Duston Avenue. This does not affect any of the properties, it runs through one of the two cottages planned to be removed. There are different set backs on the general side of that zone line. Since we have no buildings within 15' of the zone line, still within the 4' set back, it will not affect the structures
- b. Enlargement of the fire lane & no parking area for the fire departments review
- c. Added a wooden walkway over the dunes protected area at the request of the Conservation Commission
- d. Two parking spaces have been moved because of a drainage swale addition
- e. No other major changes, no buildings have been moved, just more detail being added to the plans at this point

OPEN PUBLIC HEARING.

Mr. Gillick read a memo dated February 23, 2003, from Mr. Stephen M. Joyce of 12 Dover Avenue. Mr. Joyce expressed his interest in seeing the applicant mark/delineate the green area shown on the plans with a crushed rock or similar material to visually show the public access to Pier Cove area.

SUSPEND PUBLIC HEARING.

Mr. Sullivan suggests the zone line may require a variance from the Zoning Board. Mr. Coronati confirms it does not. Mr. Higgins voiced his concern about the current condition of Harbor Road access off Old Ocean Boulevard and that it should be appropriately upgraded with this project. Mr. Gillick confirmed these concerns are shared by others and are being dealt with. Mr. K. Lessard **MOTIONED** all three Golden Corridor, LLC Phase II applications be continued to April 16, 2003 for submittal of revised

plans, and to confirm payment to the escrow account. Mr. J. Lessard **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

3. The V.R. Realty Trust and Robert H. & Mary A. Fallon
2-Lot Subdivision at 127 Ocean Boulevard
Map 290, Lot 5
Waiver Requested: Subdivision Regulations Section V.E.7 (Storm Drainage Plan)
Owners of Record: Same as Above

Mr. Peter J. Saari introduced himself representing the applicant. Mr. Vincent Raciti, owner of the Sea Ketch also present. Mr. Saari began by stating this was just a “paper change” to the dividing line between buildings – no construction is planned. Mr. Saari then passed out pictures of the exact properties in question. Mr. Raciti added that the common wall is fire rated on both sides, and the 2nd & 3rd floors are totally separated. Mr. Raciti would own Lot I and Mr. & Mrs. Fallon own Lot II. The application is to distinguish property owners and lot line rights.

Mrs. Kimball asked how many dwelling units are above Rexall Drugs (Lot II). Mr. Saari responded: “there are two units”. Mrs. Kimball noted that under Article 4.1.1 – Lot II would fall short 300’ of the requirement of minimum lot size per dwelling unit. The Board recommended review by the Building Inspector and/or Town Counsel to determine if an additional variance is required.

The Board also asked about the proposed sewer easement and future sewer line. Mr. Saari responded that the purpose of the proposed sewer easement across Lot I is in the event the older sewer pipes failed and needed repair. The Board recommended review by DPW.

OPEN PUBLIC HEARING. No comment. **CLOSE PUBLIC HEARING.**

Mr. K. Lessard **MOTIONED** to grant waiver request on 2-Lot Subdivision at 127 Ocean Boulevard Map 290, Lot 5, Subdivision Regulations Section V.E.7 (Storm Drainage Plan). Mr. Higgins **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. J. Lessard **MOTIONED** to continue the referenced application to June 4, 2003 subject to::

1. Review of the sewer issues by Hampton DPW;
2. Bob Esty advisement; and
3. Review by the Building Inspector and/or Town Attorney for determination if a variance from Article 4.1.1 is required.

Mr. Viviano **SECONDED. VOTE: Ail. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

4. Jean Boudreau
Site Plan application to construct a 4-unit residential condominium at
35 Ashworth Avenue
Map 282, Lot 206
Waivers Requested: Site Plan Regulations Section V.E.8 & VII.D (Stormwater Plan and Controls)
Owner of Record: Janet Reynolds

Mr. Peter J. Saari introduces himself representing the applicant. Ms. Jean Boudreau and Mr. Dave Gleason are also present. Mr. Gillick informed everyone that he and Mrs. Kimball previously walked this site. Mrs. Kimball refers to her memo dated March 31, 2003 to the Board outlining concerns: i.e. roof runoff, easement for adjacent building, owner & visitor parking spaces, any grade fill, windows, structure materials, trash collection, etc... Mr. K. Lessard noticed the pitched roof and suggested this a time to correct drainage using a subsystem. Mr. Higgins brought up need for mailboxes and signage.

OPEN PUBLIC HEARING. Suspended. **CLOSE PUBLIC HEARING.**

The Board discussed the recently approved \$12m bond for the infrastructure at the beach. Mr. K. Lessard asked if the original approval required that the parking remained pervious and was not in favor of granting the waiver. Mr. Gillick expressed the need for input from DPW on this project and its relation to the proposed infrastructure upgrades.

Mr. J. Lessard **MOTIONED** to continue the referenced application and waiver request to May 21, 2003 subject to:

1. submittal of revised plans by the applicant and
2. review of the application by DPW, the Fire Dept. and Aquarion Water Co.

Mr. Sullivan **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mrs. Kimball confirmed that the applicant will submit the revised plans by April 16, 2003.

5. Fisher Scientific International, Inc.
Special Permit to rehabilitate and reconstruct the existing roadway, associated sidewalks and portions of the drainage system within the Wetland Conservation District at
1 Liberty Lane
Map 104, Lot 1 and Map 67, Lot 2
Owner of Record: Fisher Scientific International / Asset Title Holding, Inc.

Mr. Dana Lynch of Civilworks Engineering introduced himself and Mr. Steven Leonard of Fisher Scientific Int'l. also present. Mr. Lynch presented the plans noting that a majority of the work will be within the existing roadway. A portion of the roadway adjacent to the old entrance will be narrowed and a parking lot will be reconfigured. Overall, there will be a decrease in paved area, improvements to landscaping, and the applicant would prefer to start the process immediately this spring.

Mr. Gillick read a memo dated March 26, 2003 from the Conservation Commission regarding their previous visit to this site. It stated the reiterated the purpose of this reconstruction and the project is keeping within the ordinances set forth by them. They recommend granting this Special Permit with conditions:

Mr. K. Lessard **MOTIONED** to grant the Special Permit to rehabilitate and reconstruct the existing roadway, associated sidewalks and portions of the drainage system within the Wetland Conservation District at 1 Liberty Lane, Map 104, Lot 1 and Map 67, Lot 2 (plans prepared by Civilworks, Inc., #02138, revision #2, dated 3/19/03) subject to the conditions outlined in the March 26, 2003 Conservation Commission memorandum.

Mr. Sullivan **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

IV. CONSIDERATION OF MINUTES – March 19, 2003:

Mr. K. Lessard **MOTIONED** to approve the minutes of March 19, 2003. Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

V. CORRESPONDENCE:

Mrs. Kimball read a memo dated March 20, 2003 from the Rockingham Planning Commission regarding applications are now being taken for the transportation enhancement & Congestion Mitigation/Air Quality (CMAQ) program. This will be the seventh round of solicitation for these two federal funded programs. Application forms are available through Rockingham Planning Commission offices and must be submitted by 5:00pm on July 31, 2003.

Mr. K. Lessard suggested one of Hampton's RPC Commissioners come to present current events of the RPC on a quarterly basis. Mr. Gillick and Mrs. Kimball agreed this is a constructive idea.

VI. OTHER BUSINESS:

1). THE HAMPTON PLANNING BOARD AVAILABLE ALTERNATE POSITIONS:

Mrs. Kimball announced the applications for consideration of the Board's Alternate positions, reminding the Board can have up to five filled positions; currently two positions are filled. There are three interested applicants and Mr. Gillick suggests we accept the three interested to have completed five Alternates. Mr. J. Lessard **MOTIONED** to accept the current applications for the Board's Alternate positions as follows:

- 1). Mr. Robert Bilodeau - 3 year term
- 2). Mr. Francis P. McMahon - 3 year term
- 3). Mr. Micheal O'Neil - 2 year term

Mr. Viviano **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2). EPA & AGRICULTURE EXEMPTION:

Mrs. Kimball followed up on an item of the one acre of disturbed land which requires an EPA permit does not apply to agricultural activities such as farming land, sowing seeds, tilling, etc... It would apply if you were going to build a barn.

- 3). **MASTER PLAN - FUTURE LAND USE:**
Mrs. Kimball stated we are continuing to move forward on updating the Master Plan with the Rockingham Planning Commission. Working on the chapter of "future land use" for the next 1 ½ years, it is suggested to form a subcommittee. Mrs. Kimball suggested to send a memo to department heads, alternates, & notice to public asking participation and letters of interest by April 25, 2003. To be continued for discussion at the Board May 7, 2003 meeting.
- 4). Mr. Higgins referenced the memo dated February 19, 2003 from the Town Attorney Mark Gearreald regarding the Golden Corridor/Hampton Harbor Phase II project. It mentioned Felch Street, Locke Street – paper streets which may conflict with something we have already approved called "Harbor Road Extension". Mr. Higgins continued the paragraph "the developers cannot just wish away the rights". Mr. Higgins asked if the Board was in error when they approved the Hampton Harbor five lot subdivision. Mrs. Kimball discussed the issue with Mr. Gearreald and will keep the Board updated.
- 5). Mrs. Kimball received a call from John Krebs of the Rockingham Planning Commission, he is a circuit writer planner. He informed of a plan just approved at the North Hampton Airfield - the land extends into the Town of North Hampton, although there are no improvements, changes, etc... to occur, because of the RSA 674:53 – lands affected by municipal boundaries, they have asked for the Hampton Planning Board's assistance. They are asking for the Chairman to sign the North Hampton plan for Cari Properties, LLC #03028 by Civil Construction Management, March 2003.
Additionally, a public hearing is not necessary at this time. Mr. Sullivan **MOTIONED** for the Hampton Planning Board Chairman to sign the plans for North Hampton Planning Board referencing new entrance off Cedar Road. Mr. J. Lessard **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**
- 6.) Mr. Sullivan asked for an update on impact fees. Mrs. Kimball stated there was a meeting with Bruce Mayberry last week and he is 75-80% done on the research needed to institute the school impact fees. Also discussed was the \$12m improvements job at the beach. He felt that it would not be appropriate to use impact fees and possibly use a tax increment finance district (TIF) type. Once he is finished with the school project he will do some further investigation.
- 7.) Mr. K. Lessard wanted to publicly thank Vivianne Marcotte of the Hampton Conservation Commission for her past support and service. She is retiring and will be missed. Mr. Gillick agreed to send a letter and possibly do a citation for her.
- 8). Mr. Emerick discussed a letter dated January 3, 2003 from Aquarion Water Co. regarding the Golden Corridor/Hampton Harbor project - had a statement "fire flow needs are not considered part of the equation because they are not a consumptive use on the water system". Mr. Emerick is concerned because of issues on Drakeside Road and a prior development (EBPA building) not hooking into the water supply for fire flow. Mr. Sullivan will contact the building owner to clarify the situation.

Mr. J. Lessard **MOTIONED** to adjourn. Mr. Emerick **SECONDED**. **VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended on 4/16/03